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November 16, 2011

**ENTERED**  
**Office of Proceedings**

NOV 16 2011

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**Public Record**

Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423

23/297

RE: Docket No. AB-364 (Sub-No. 16X), *Mid-Michigan Railroad, Inc. –  
Abandonment Exemption—in Muskegon County, MI*

Dear Ms. Brown:

By letter filed November 14, 2011, the Michigan Department of Natural Resources (“MIDNR”) requests the Surface Transportation Board (the “Board”) to extend for 180 days the time to negotiate trail use over the 3.35-mile line between milepost 191.40 and milepost 194.75 in Muskegon, MI (the “Line”). By decision served on July 19, 2011, the Board established an expiration date for trail use negotiation of November 5, 2011. The consummation date was established as January 4, 2012.

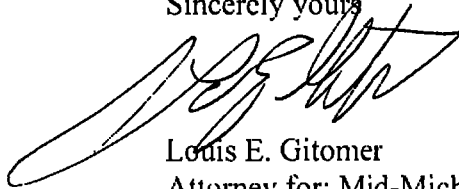
Mid-Michigan Railroad, Inc. (“MMRR”) has not consummated the abandonment. MMRR notifies the Board that it concurs in the extension for trail use negotiations for the Line for 180 days until May 13, 2012. The Board has previously concluded that “Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction, and the NITU negotiating period may be extended. An extension of the NITU negotiating periods for both segments will promote the establishment of trail use and rail banking consistent with the Trails Act.” *Mid-Michigan Railroad, Inc. – Abandonment Exemption—in Muskegon County, Mich.*, STB Docket No. 364 (Sub-No 16X) (STB served July 19, 2011) slip op. at 1.

MMRR understands that pursuant to 49 C.F.R. 1152.29(c)(2) a NITU is a regulatory barrier to consummation of the abandonment and that the period for consummation of the abandonment is automatically extended until 60 days after the satisfaction, expiration or removal of the regulatory requirement. MMRR requests that the Board confirm that extension of the negotiating period until May 13, 2012, will also result in the consummation deadline for the Line being extended to July 12, 2012.

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MMRR is efileing this letter. Thank you for your assistance. If you have any questions please contact me.

Sincerely yours

A handwritten signature in black ink, appearing to read 'L. Gitomer', written over the typed name.

Louis E. Gitomer  
Attorney for: Mid-Michigan Railroad, Inc.

cc: Mr. James Radabaugh